

MARK W. BENNETT

Attorney at Law

P.O. Box 509

Milton, MA 02186

Tel. 617 296 8282

Toll Free 800 880 5742

Fax. 617 296 4783

www.attorneymarkbennett.com

September 1, 2004

Clerk's Office

John Joseph Moakley U.S. District Court

1 Courthouse Way, Suite 2300

Boston, MA 02210

RE: U.S. vs. Chui, Kam Wai
Docket No. 03-10396-01

Dear Sir/Madam:

The following is a response to the Court's Procedural Order of July 8, 2004.

- a. Insofar as there are guideline enhancements and denial of acceptance of responsibility, Blakely is affected.
- b. Defendant challenges the constitutionality of the guidelines and seeks to be sentenced without guidelines.
- c. No.
- d. Defendant wishes to be sentenced without guidelines.
- e. Defendant does not wish to defer sentencing.

I have also attached hereto the Defendant's Objections to the Presentence Report and the Defendant's position with regard to the Presentence Report's calculations.

It our understanding this matter is still scheduled for a sentencing hearing on Thursday, September 23, 2004 at 3:00 P.M.

Clerk's Office
September 1, 2004
Page Two

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Mark W. Bennett
Robert L. Jubinville,
Attorneys for Kam Wai Chui

RLJ:pf
Enclosure

cc: Jonathan F. Mitchell, AUSA
Sean P. Buckley, U.S. Probation Department

DEFENDANT'S OBJECTIONS TO PRESENTENCE REPORT

Defendant objects to the calculations of his offense level enhancements and denial of his acceptance of responsibility. In particular, Defendant objects to the following enumerated paragraphs:

36	
37	8 loss is less than \$120,000
38	0
39	0
41	0
42	14
43	-2
44	12
45	16
46	0
47	0
48	0
49	0
50	16
51	-2
52	14
53	14
56	0
58	0
59	0 Category I
100	TOL 14 range 15-21 months